

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COLONIAL PARK CARE CENTER, LLC d/b/a/ COLONIAL PARK CARE CENTER,	:	CIVIL ACTION NO. 1:16-CV-302
	:	
	:	(Chief Judge Conner)
	:	
Plaintiff	:	
	:	
v.	:	
	:	
THEODORE DALLAS, the Secretary of the Pennsylvania Department of Human Services,	:	
	:	
	:	
Defendant	:	

ORDER

AND NOW, this 5th day of December, 2016, upon consideration of the motion (Doc. 29) for reconsideration filed by plaintiff, Colonial Park Care Center, LLC (“Colonial Park”), wherein Colonial Park seeks reconsideration of the court’s order (Doc. 27) granting defendant Theodore Dallas’s motion (Doc. 7), in his official capacity as Secretary of the Pennsylvania Department of Human Services (“the Department”), to dismiss the complaint, and the court having concluded that Colonial Park’s complaint was barred by the doctrine of *res judicata* (see Doc. 27), and the court emphasizing that the purpose of a motion for reconsideration is to present newly discovered evidence or to correct manifest errors of law or fact, see Max’s Seafood Café v. Quinteros, 176 F.3d 669, 677-78 (3d Cir. 1999); Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985), and noting that the court possesses an inherent power to reconsider its orders “when it is consonant with justice to do so,” United States v. Jerry, 487 F.2d 600, 605 (3d Cir. 1973); Alea N. Am. Ins. Co. v. Salem

Masonry Co. 301 F. App'x 119, 121 (3d Cir. 2008), but that such relief is to be granted “sparingly,” Montanez v. York City, Civ. No. 12-CV-1530, 2014 WL 3534567, at *7 (M.D. Pa. July 16, 2014) (quoting Continental Casualty Co. v. Diversified Indus., Inc., 884 F. Supp. 937, 943 (E.D. Pa. 1995)), and that a party may not invoke a motion for reconsideration as a means to relitigate matters already resolved by the court, see Boretsky v. Governor of N.J., 433 F. App'x 73, 78 (3d Cir. 2011) (quoting Wilchombe v. TeeVee Toons, Inc., 555 F.3d 949, 957 (11th Cir. 2007)), nor is a motion for reconsideration “an opportunity for a party to present previously available evidence or new arguments,” Federico v. Charterers Mut. Assurance Ass'n Ltd., 158 F. Supp. 2d 565, 577 (E.D. Pa. 2001); see also Harsco Corp., 779 F.2d at 909, and it appearing that Colonial Park bases its motion on arguments identical to or expanding upon those previously raised before—and rejected by—the undersigned, and neither identifies nor substantiates a clear error of law in the court's prior decision, and accordingly fails to satisfy the exacting standard of review applied to motions for reconsideration, it is hereby ORDERED that Colonial Park's motion (Doc. 29) for reconsideration of the court's order (Doc. 27) dated September 13, 2016 is DENIED.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania